

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:)
) **Case No. 07-43437-399**
SHARON L. JONES) **Chapter 13**
) **Debtor(s).**)
) **Hearing Date: 12/20/2007**
EMC MORTGAGE CORPORATION) **Hearing Time: 9:00 a.m.**
) **Answer Date: 12/12/2007**
) **Movant,**)
 v.) **Motion No. 21**
SHARON L. JONES)
) **Respondent(s).**)

CONSENT ORDER AND STIPULATION
IN SETTLEMENT OF MOTION FOR RELIEF

COMES NOW Movant, EMC Mortgage Corporation its subsidiaries, affiliates, predecessors in interest, successors or assigns ("Creditor") by and through counsel, Berry F. Laws, III, Steven M. Leigh and the law firm of Martin, Leigh, Laws & Fritzlen, P.C., and Debtor by counsel, William H. Ridings, Jr., the parties agree to the following Consent Order and Stipulation in settlement of the Movant's Motion for Relief:

1. On November 21, 2007 Movant filed its Motion for Relief from the Automatic Stay with respect to the property known as:

LOT 8 AND THE WEST 15 FEET OF LOT 7 WINONA SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 15 PAGE 47 OF THE ST. LOUIS COUNTY RECORDS.

The above-described property is also known as 425 Estelle Ave., Saint Louis, MO 63135 ("Property").

2. The parties agree that the post-petition delinquency including fees and costs is \$5,584.00. Movant is not adequately protected if post-petition payments are not made by the Debtor. Said total sum represents:

1.	Two payments @ \$675.91/ea	\$1,351.82
2.	Three payments @ \$821.37/ea	\$2,464.11
3.	One payment @ \$815.27	\$815.27
4.	Late Charges @ \$33.80/ea	\$202.80
5.	Movant's attorney fees (\$600.00) and costs (\$150.00)	\$750.00

3. Debtor will make payments as follows:

1.	January 15, 2008	\$930.67
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2.	February 15, 2008	\$930.67
3.	March 15, 2008	\$930.67
4.	April 15, 2008	\$930.67
5.	May 15, 2008	\$930.67
6.	June 15, 2008	\$930.65

4. Debtor will begin making the regular monthly payments to Creditor on January 1, 2008, and continue making those payments each and every month thereafter pursuant to the terms and conditions of the existing Note and Deed of Trust. ***Payments shall be in the form of a Cashiers Check or Money Order, and mailed to the following address:***

**EMC Mortgage Corporation
Attention: Bankruptcy Department
909 Hidden Ridge Dr.
Irving, TX 75038**

5. Movant's attorney's fees and costs sought in the Motion, or any balance thereon, are included in the total post-petition arrearages stated above and are hereby granted and assessed against the Debtor in the total amount of \$750.00.

6. Debtor authorizes Movant to mail to Debtor: (1) monthly mortgage statements; (2) account statements including escrow analysis; and (3) notices regarding address or payment changes provided such a change is authorized by the Note and Deed of Trust. Debtor consents to direct contact by mail for purposes of receiving this information and waives any claim for violation(s) of the automatic stay regarding same.

7. The terms of the Stipulation and the agreement reached between the parties shall remain in effect so long as the automatic stay remains in effect as to Movant. In the event the case is converted to another Chapter under Title 11 and pre-petition and/or post-petition arrearages remain unpaid, Movant shall be granted relief from the automatic stay after providing the notice as set forth in the following paragraphs.

The Court being duly advised in the premises adopts the stipulation as the findings of the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED in the event the Debtor fails to comply with any of the conditions specified in this Stipulation and Order, the Movant shall file a written Notice of Breach with the Court, and serve a copy upon the Trustee, counsel for the Debtor, and the Debtor. Such Notice shall include a statement of any alleged Breach, including an itemization of all delinquent payments and the total amount necessary to

cure the breach. Movant shall be allowed attorney's fees in the amount of \$50.00 for the preparation of any Notice of Breach under this paragraph and such fees shall be included in the total amount required to cure the delinquency. Movant shall be allowed additional attorney's fees in the amount of \$200.00 for attendance at each hearing related to a Notice of Breach.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if the Debtor fails to cure the delinquency in full or fails to file an objection to the Notice of Breach within 10 (ten) calendar days of the date of the Notice, Movant shall be entitled to immediate relief from the automatic stay of 11 U.S.C. § 362(a) without further notice or hearing upon entry of an order for relief. For such purposes, Movant shall be free to exercise all of its rights and remedies under the Promissory Note, Deed of Trust, or as may otherwise be provided by law. An order entered under this paragraph shall not be stayed until the expiration of 10 days after the entry of the order. All other relief requested by Movant is hereby **DENIED** without prejudice as settled.

Respectfully submitted & Agreed to by,

Approved by:

MARTIN, LEIGH, LAWS & FRITZLEN, P.C.

S/BERRY F. LAWS, III


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DATED: December 19, 2007
St. Louis, Missouri
LAT


Barry S. Schermer
Chief United States Bankruptcy Judge

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